Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 1059
Bill #: _ HB 191 HCS 1
Document ID #: 3597
Bill Subject/Title: AN ACT relating to the revocation of peace officer certification.
Sponsor: Representative John Blanton
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New X Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 191 HCS 1 amends KRS 15.391, grounds for revocation of a peace officer's certification, adding terms and definitions used throughout the proposed bill and adding conditions under which the Kentucky Law Enforcement Council (KLEC) **shall** revoke a peace officers certification.

HB 191 HCS 1 also provides a list of other reports or allegations where the KLEC may consider revoking a peace officers certification. The KLEC shall review any report or allegation to determine if it warrants the initiation of a proceeding. If the KLEC determines to initiate proceedings to revoke the peace officers certification, then an administrative hearing must be conducted pursuant to KRS Chapter 13B. If a peace officer's certification is revoked or their request for reinstatement has been denied, a peace officer may file an appeal with the KLEC in accordance with KRS 13B.140.

A law enforcement agency that has knowledge of a peace officer in its employment who meets any of the revocation conditions outlined in HB 191 HCS 1, shall report that

condition to the KLEC within fifteen days of gaining that knowledge. The agency must also notify the peace officer that a report has been made. Agencies who fail to report these situations may be suspended from the Kentucky Law Enforcement Foundation Program (KLEFP) fund for maximum period of five years.

The KLEFP fund was created by the General Assembly to support law enforcement by attracting and retaining competent, highly-qualified and experienced officers. KLEFP provides an annual supplement to qualified peace officers in the amount of \$4,000.

The reporting requirements of HB 191 HCS 1 are not to dissimilar from current reporting requirements. Supervisory personnel will need to be trained on the items that must be reported. If KLEC allows for electronic reporting, there would be very little, if any, costs associated with compliance.

Loss of KLEFP funds for suspended agencies could have a substantial impact on the agency. While being suspended, agencies would lose the administrative fees and qualified peace officers would not receive the pay supplement. The proposed law does not **require** a suspension, rather, it states that KLEC "**may** suspend the agency...."

The probable incidence of agencies failing to adhere to HB 191 HCS 1 requirements and subsequent suspension is expected to be low.

The overall fiscal impact is indeterminable but anticipated to be zero to minimal.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Changes to HB 191 (as introduced) by HB 191 HCS 1, does not change the original fiscal impact determination. **The fiscal impact is anticipated to be zero to minimal.**

Data Source(s): Kentucky League of Cities, Fraternal Order of Police, LRC Staff.

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/13/19